

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

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December 5, 2008

Application Summary

(For Commission consideration on December 18, 2008)

Number: BCDC Permit Application No. 2-06
Date Filed: November 14, 2008
90th Day: February 12, 2009
Staff Assigned: Karen Wolowicz (415/ 352-3669, karenw@bcdc.ca.gov)

Summary

Applicant: California Department of Corrections and Rehabilitation (CDCR)

Location: In the Bay and within the shoreline band, at San Quentin State Prison (Prison), in an unincorporated area of Marin County. The Prison lies south of Interstate 580 and the City of San Rafael east of State Route Highway 101 and the City of Larkspur, north of San Francisco Bay, and west of the Richmond-San Rafael Bridge and the unincorporated neighborhood of San Quentin Village (Exhibit A).



Making San Francisco Bay Better



Project: The proposed project would involve constructing a Condemned Inmate Housing Project on approximately 40-acres in the southwestern portion of the Prison property (Exhibits A, B and C). Several residences of Prison employees and Sir Francis Drake Boulevard lie immediately north of the proposed site. The proposed project involves constructing three maximum-security housing units to house 1,152 condemned male inmates, an in-patient correctional treatment building, which would serve the entire Prison population, associated support buildings, and a parking lot (Exhibit D). The proposed buildings have been sited to accommodate a fourth housing unit if needed at a future date. None of the above described buildings or site improvements are located within the Commission's jurisdiction.

Within the Commission's shoreline band jurisdiction, the proposed project would include a guard tower, a gun locker building, a construction staging area to remain in place for approximately two years, portions of a resurfaced road and paving, and a security perimeter fence. A storm water outfall would be constructed in the Bay.

The applicant's proposal includes in-lieu public access improvements whose total cost would not exceed \$932,000 and would involve a combination of the following options: (1) the construction of a public access area and associated improvements east of San Quentin Village, including a three car parking area with two viewing platforms, a maintenance road and trail to the Bay, and a sidewalk along Main Street running from the proposed parking area north to the Highway 580 on ramp on property owned by Caltrans. The estimated cost of these improvements is \$810,000; and (2) a monetary contribution to fully or partially fund one or two projects that would close gaps in the Bay Trail. The first proposed project would be a contribution to the Marin Transportation Authority (TAM) to partially fund Phase One of the Central Marin Ferry Connection located in the general vicinity of Corte Madera Creek and Larkspur Landing (Exhibit E). A second option would involve a monetary contribution to the County of Marin to close a Bay Trail gap along Sir Francis Drake near San Quentin Village that would be similar to what is shown in Exhibit F.

Issues

Raised:

The staff believes that the application raises three primary issues: (1) whether the project would provide maximum feasible public access consistent with the project; (2) whether the project is consistent with the Bay Plan's appearance, design, and scenic views policies; and (3) whether the proposed outfall is consistent with the McAteer-Petris Act and *San Francisco Bay Plan* (Bay Plan) policies regarding fill.

Project Background

San Quentin State Prison began operating in 1854. In 1934, the condemned inmate facilities were constructed for a population of 68 inmates. Currently, the Prison houses over 600 condemned inmates, with a projected rate of increase of 25 new inmates a year. Existing housing conditions for the Prison's condemned inmate population are severely overcrowded, resulting in space limitations for recreation yards and support service areas. The purpose of the proposed project is to meet Prison needs to house new inmates and to meet the requirements of the California Penal Code and the Thompson Decree, which mandates condemned inmates to reside at San Quentin. The applicant states that the proposed project would address the current and projected shortages of housing for condemned inmates. Space constraints have also created opera-

tional concerns including inadequate security for both inmates and staff, inadequate maintenance of aged buildings, limited space for double electric perimeter fencing, narrow walkways along the cells, and limited or obstructed visibility of the cells.

The project site currently has a minimum security inmate complex housing 250 inmates, an abandoned wastewater treatment facility, an abandoned detergent factory, a materials recycling and salvage facility, maintenance and storage areas, workshops, and a parking lot. The project site has been graded, developed, or otherwise altered as a result of prior construction and operation of the Prison and associated facilities. No previously undisturbed natural plant communities are present at the site and a large portion of the site is located on a former landfill used during the early 20th century. Views to the Bay presently exist across the project site, but there has been no public access to the shoreline through or at the project site for more than a century due to security issues.

Project Description

**Project
Details:**

The CDCR describes the project as follows (Exhibits D, E, F and G):

1. In the Bay:

- a. Place, use, and maintain in-kind approximately 2,613 square feet (329 cubic yards) of solid fill for a new stormwater outfall.

2. Within the 100-foot shoreline band:

- a. Construct, use and maintain a 170-square-foot guard tower and a 130-square-foot gun locker building;
- b. Place, use and maintain a 4,500-square-foot portion of a paved road and a 15,000-square-foot portion of a security perimeter fence;
- c. Establish for approximately two years a 109,000-square-foot construction staging area and remove at project completion;
- d. Construct, use and maintain one or a combination of the following potential public access projects: (1) public access viewing area consisting of: (a) a three-car parking area with one ADA-compliant space and ramp; (b) an approximately 200-square-foot viewing plaza with a bench, interpretive signage, and railings; (c) a 400-square-foot viewing plaza with a trash receptacle, seat rocks and berms with native landscaping; (d) a 15-foot-wide gravel maintenance road with a gate and an adjacent pedestrian trail from the parking area to the 400-square-foot viewing platform; (e) native landscaping and riprap for erosion control; and (f) install, use and maintain in-kind a security gate to block access to the historic water system jetty; (2) construct, use and maintain an approximately 185-foot-long, five-foot-wide ADA-compliant concrete sidewalk on Main Street in San Quentin Village in Marin County to connect to an

existing Caltrans public access path and view platform; (3) construct, use and maintain in-kind a portion of a public access trail and bridge over Sir Francis Drake Boulevard near Corte Madera Creek; and (4) establish, use and maintain in-kind a portion of a bicycle access trail along East Sir Francis Drake Boulevard between Remillard Park and San Quentin Village.

Fill: The proposed project would involve placing 329 cubic yards of fill covering 2,613 square feet of Bay surface to construct a new outfall structure in the Bay.

**Public
Access:**

Public access is not available at or through the Prison site due to public and inmate security restrictions. When the project was first proposed, the applicant proposed an in-lieu public access area on a nearby hillside and a similar Main Street public access proposal for a preliminary cost estimate of \$932,000. Initially both staff and the applicant believed the hillside view platform and Main Street improvements were suitable for consideration by the Commission, yet the applicant withdrew this proposal due to safety concerns. Since that time the applicant has used the initial \$932,000 cost estimate as a guide to determine a suitable public access proposal. CDCR has proposed contributing up to \$932,000 to fund one or a combination of the following in-lieu public access options:

1. **Main Street Improvements.** These public access improvements would involve creating a public access viewing area at the east end of Main Street consisting of a three-car parking lot, two viewing plazas (one 200-square-foot, the other 400-square-foot), a public path and associated landscaping. This area is northeast of the historic San Quentin State Prison Saltwater Pumphouse. Proposed interpretive signs would be installed to provide a way-finding map to public access features in the project vicinity, and to provide a narrative and photos of the historic water system, the Saltwater Pumphouse, and other nearby features. Fencing would be installed at the historic water system jetty and Saltwater Pumphouse as these structures have been determined to be unsafe for the public.

North of the proposed Main Street parking area on land owned by Caltrans, a 185-foot-long, five-foot-wide sidewalk would be constructed connecting the public viewing area to the 580 on ramp. The applicant has yet to obtain an easement from Caltrans, although Caltrans supports the proposed sidewalk. If Caltrans does not ultimately grant an easement, the applicant would make the funds otherwise used to construct the sidewalk available for other public access improvements. The applicant would be responsible for the maintenance of the Main Street improvements, including regular trash pick-up, with the ultimate goal of assigning maintenance responsibilities to Marin County. The proposed public access are a would be guaranteed through a deed restriction.

2. **TAM Improvements and Trail Gap Closure.** The applicant is also open to providing up to \$932,000 to the Transportation Authority of Marin (TAM) for the Central Marin Ferry Connection (CMFC) and/ or the County of Marin to facilitate the closure of all or a portion of two Bay Trail gaps. The TAM project is a two-phase project in the City of Larkspur to connect the Cal Park

Hill multi-use path with the Sandra Marker trail located at Wornum Drive to the south. Phase One would extend the Cal Park Hill multi-use pathway by constructing a bridge with an access ramp over Sir Francis Drake Boulevard to the south side of Sir Francis Drake Boulevard, and improving an existing multi-use pathway on the south side of Sir Francis Drake Boulevard (Exhibit E). The estimated cost of Phase One is \$11.7 million, with \$10.7 million already obtained. The applicant has proposed contributing funding to Phase One by offering all or a portion of the \$932,000 to TAM. The second Bay Trail gap closure that CDCR is open to contributing funds toward would involve extending the existing multi-use pathway along East Sir Francis Drake Boulevard from Remillard Park East to Anderson Drive in San Quentin Village. The County of Marin obtained a grant from Caltrans to form a Community Transportation Plan for this segment of the Bay Trail. The plans for and cost estimate to close this Bay Trail gap is currently under development and is expected in Spring 2009. The Association of Bay Area Governments along with the Marin Bicycle Coalition estimated a similar project with a Class One bicycle trail to cost between \$650,000 and \$800,000 (Exhibit F).

Priority

Use: The proposed project is not located in a priority use area. However, Sir Francis Drake Boulevard, which borders the project, is designated a scenic drive on *San Francisco Bay Plan* Map 4. A Bay Plan Map note also suggests on Map 4 that if and when the site is not needed by the State of California for a Prison facility, a portion of the site should be considered for a possible commuter ferry terminal.

Schedule

and Cost: The applicant proposes to begin construction in Spring 2009, and complete construction by Spring 2011. The total estimated project cost is approximately \$337 million.

Staff Analysis

A. **Issues Raised:** The staff believes that the application raises three primary issues: (1) whether the project would provide maximum feasible public access consistent with the project; (2) whether the project is consistent with the Bay Plan's appearance, design, and scenic views policies; and (3) whether the proposed outfall is consistent with the McAteer-Petris Act and *San Francisco Bay Plan* (Bay Plan) policies regarding fill.

1. **Public Access.** Section 66602 of the McAteer-Petris Act states that "...existing public access to the shoreline and waters of the...[Bay] is inadequate and that maximum feasible public access, consistent with a proposed project, should be provided." The Bay Plan Public Access Policy 1 states: "[a] proposed fill project should increase public access to the Bay to the maximum extent feasible, in accordance with the policies for Public Access to the Bay." The Bay Plan Public Access Policy 2 states, in part: "...maximum feasible access to and along the waterfront and on any permitted fills should be provided in and through every new development in the Bay or on the shoreline, whether it be for housing, industry, port, airport, public facility, wildlife area, or other use, except in cases where public access would be clearly inconsistent with the project because of public safety considerations or significant use conflicts, including unavoidable, significant adverse effects on Bay natural resources. In these cases, in lieu

access at another location preferably near the project should be provided.” The Bay Plan Public Access Policy 5 states, in part: “[w]henver public access to the Bay is provided as a condition of development, on fill or on the shoreline, the access should be permanently guaranteed.” The Bay Plan Public Access Policy 6 states, in part: “[p]ublic access improvements provided as a condition of any approval should be consistent with the project and the physical environment...and provide for the public's safety and convenience. The improvements should be designed and built to encourage diverse Bay-related activities and movement to and along the shoreline should permit barrier free access for the physically handicapped to the maximum feasible extent, include an ongoing maintenance program, and should be identified with appropriate signs.” The Bay Plan Public Access Policy 8 also states, in part: “[a]ccess to and along the waterfront should be provided by walkways, trails, or other appropriate means to connect the nearest public thoroughfare where convenient parking or public transportation may be available.” The Bay Plan Public Access Policy 10 states, “[f]ederal, state, regional and local jurisdictions, special districts, and the Commission should cooperate to provide appropriately sited, designed and managed public access, especially to link the entire series of shoreline parks, regional trail systems (such as the San Francisco Bay Trail) and existing public access areas to the extent feasible.” The Bay Plan Policy 11 also states that, “[t]he Public Access Design Guidelines should be used as a guide to siting and designing public access consistent with a proposed project. The Design Review Board should advise the Commission regarding the adequacy of the public access proposed.”

In assessing whether a project provides maximum feasible public access consistent with the project, the Commission relies on the McAteer-Petris Act, the policies of the Bay Plan, and also relevant court decisions. In assessing whether a proposed *public* project, such as the San Quentin Condemned Inmate facility, would provide the maximum feasible public access consistent with the project, the Commission should evaluate whether the proposed public access is *reasonable* given the scope of the project.

Since the site is a maximum-security prison, it has not been accessible to the public for more than a century. Providing access in and through the Prison site would be inconsistent with the proposed project because of public safety considerations and obvious use conflicts.

When this project was first proposed in May 2006, the staff suggested three possible areas for public access to the applicant at San Quentin or in the immediate vicinity. They included: (1) improvements to a nearby area which is heavily used by windsurfers; (2) public access improvements to the Corte Madera Ecological Preserve; and (3) constructing two view overlooks, one on the hillside above San Quentin Village and the other on Main Street in San Quentin Village.

After further review, the applicant found that improvements to the windsurfing area would present major safety issues to the public, and security issues for the Prison. The applicant also found that the Corte Madera Ecological Preserve, which is managed by the Department of Fish and Game, was not prepared to provide and maintain a public access area at that time. The viewing area and trail on a nearby hillside and a viewing plaza and other improvements along Main Street near the Saltwater Pump House, whose overall preliminary project cost was estimated to be \$932,000, was initially considered suitable for consideration by the Commission's Design Review Board (DRB) and the Commission. Yet upon further consideration and evaluation, CDCR rescinded this pro-

posals because: (1) the difficulty of making the trail and access areas ADA-compliant; (2) the expense of stabilizing the hillside and grading and maintaining the trail; (3) security issues associated with the proximity of the view overlook to the prison water reservoir; and (4) opposition from the local neighborhood (San Quentin Village) regarding a lack of parking, and a potential increase in noise and traffic. Subsequently, the applicant looked into restoring the historic Saltwater Pumphouse and a water system jetty on Main Street in San Quentin Village, yet both structures were deemed unsafe and the cost of repair deemed prohibitive. In May 2007, the applicant proposed, and the DRB reviewed, constructing the Main Street viewing platform (similar to the current proposal) and a sidewalk *south* of the viewing plaza along Main Street. The DRB felt the Main Street improvements were “modest” at best, so after the DRB’s review CDCR proposed spending \$932,000 on public access improvements and to spend any funds remaining after constructing the Main Street viewing plaza on an additional undefined public access project.

The applicant’s current public access proposal includes in-lieu public access improvements whose total cost would not exceed \$932,000. The applicant has proposed a public access package that would consist of one or a combination of the following projects: (1) constructing public access improvements, including a 3-car parking area with two viewing plazas, a maintenance road and trail to the Bay, and a 185-foot-long, sidewalk north of the parking area (on property owned by Caltrans), located approximately 0.75 miles east of the project site, at Main Street in San Quentin Village (estimated cost \$810,000); and (2) a monetary contribution to fully or partially fund one of two proposed Bay Trail gap closure projects in Larkspur. The first proposed project would involve a contribution to the Marin Transportation Authority (TAM) to partially fund Phase One of the Central Marin Ferry Connection located in the general vicinity of Corte Madera Creek and Larkspur Landing (Exhibit E). Phase One of this proposed project includes three components: (1) extend the CalPark Hill multi-use pathway south by constructing a new bridge over Sir Francis Drake Boulevard with an access ramp; (2) improve the existing multi-use pathway where possible, along Sir Francis Drake Boulevard; and (3) construct pedestrian/ bicycle improvements, where possible, along Old Redwood Highway between Corte Madera Creek and Wornum Drive. The second Bay Trail gap closure would be a monetary contribution to the County of Marin for a San Francisco Bay Trail gap closure along Sir Francis Drake near San Quentin Village (Exhibit F). This public access would potentially include development of bicycle/ pedestrian improvements north and south of the entrance to Highway 580 to the Richmond/ San Rafael Bridge, along with a potential bicycle plan for San Quentin Village, and bicycle/ pedestrian access along and at the intersections of Main Street, Anderson Drive and Sir Francis Drake Boulevard. All three public access areas would be barrier free and near parking and public transit.

In evaluating the in-lieu public access proposal, it may be helpful to review previous in-lieu public access proposals approved by the Commission. Three comparable public access projects include: (1) the Fifth Avenue Highway 880 Retrofit project that was approved by the Commission in 2005; (2) the Highway 101 HOV lane gap closure project in the City of Larkspur, Marin County, approved by the Commission in 2002; and (3) the expansion of Highway 101 in the Cities of Millbrae and Burlingame, San Mateo County, approved by the Commission in 2005.

The Fifth Avenue Highway 880 overcrossing project (BCDC Permit No. 3-05) involved retrofitting a segment of 880 with an estimated total cost of \$110,000,000. This project included placing a 19,217-square-foot pile supported highway deck in the Commission's Bay jurisdiction, resulting in interrupted use of a public area through the 5th year highway construction phase. The applicant initially proposed in-lieu public access at a 52,302-square-foot area along the Lake Merritt Channel shoreline, and a \$500,000 contribution to the California Coastal Conservancy for future public access in the area. The Commission approved the project, requiring the in-lieu 52,302-square-foot public access area and increasing the contribution to the Coastal Conservancy to \$1,000,000 for public access improvements in the City of Oakland.

In 2002 and 2005, the Commission approved two separate applications to expand Highway 101. One project (BCDC Permit No. 3-02) located in the City of Larkspur, Marin County, included placing 16,469-square-feet of fill in the Bay for widening Highway 101 to include HOV lanes with an estimated project cost of \$52 million dollars. Approved on-site public access improvements totaled 33,080 square feet, and an additional monetary contribution of \$400,000 was required to fund further in-lieu public access improvements. BCDC Permit No. 7-04 authorized expanding Highway 101 along a 4.4-mile stretch in San Mateo County for an estimated project cost of \$75 million. The project involved constructing a 2,300-foot-long, 6.88-acre (299,693 square feet) section of Highway 101 in the Commission's 100-foot shoreline band jurisdiction. The approved project included a public access area with a total cost of \$2.6 million.

The following table summarizes these Commission decisions. The last row summarizes the CDCR's proposal to the Commission:

Project	Total Project Cost	Amount of Work in BCDC Jurisdiction	Public Access Improvements	Monetary Contribution
CalTrans Highway 880 Retrofit (City of Oakland), BCDC Permit No. 3-05	\$110 million	Bay fill for pile supported highway deck: 0.44 acres	52,302 square feet of pedestrian and bicycle access	\$1 million
CalTrans Highway 101 HOV lane gap closure (City of Larkspur), BCDC Permit No. 3-02	\$52 million	Bay fill for widening HOV lane: 0.38 acres	33,080 square feet of improved bicycle and pedestrian lanes and connections	\$400,000
Highway 101 expansion (Cities of Millbrae and Burlingame, San Mateo County), BCDC Permit No. 7-04	\$75 million	Shoreline band fill for installing auxiliary lanes and associated improvements: 6.88 acres	Trail improvements and a new pedestrian and bicycle overpass (sq. footage unknown)	\$0
Department of Corrections Proposed San Quentin Condemned Inmate Facility- Marin County BCDC Application No. 2-06	\$337 million	Bay fill for an outfall: 0.06 acres Shoreline band fill for a guard tower, fencing, gun locker and paving: 0.45 acres	4,475 square feet, for Main Street Improvements, including two view platforms, parking, and a sidewalk	\$932,000 minus the construction of the proposed off-site public access area or a \$932,000 contribution.

The applicant estimates that the proposed improvements within the Commission's jurisdiction would cost roughly \$3 million to complete.

The Commission should determine which combination of the proposed in-lieu public access proposals are reasonable given the scope of the project and if any of the proposals provide maximum feasible public access, consistent with the project, as required by the McAteer-Petris Act and the San Francisco Bay Plan.

2. **Fill.** The Commission may allow fill only when it meets the fill requirements identified in Section 66605 of the McAteer-Petris Act, which states, in part: (a) fill in the Bay should be limited to water-oriented uses, such as wildlife refuges or minor fill for improving shoreline appearance or for public access; (b) no alternative upland location exists for the fill; (c) the public benefits from fill must clearly exceed the public detriment from the loss of water areas; (d) the fill should be the minimum amount necessary to achieve the project purpose; and (e) the nature, location, and extent of any fill should minimize harmful effects to the Bay including the water volume, circulation, and quality, fish and wildlife resources, and marsh fertility.

The project would construct an outfall where 329 cubic yards of fill would result in approximately 2,613 square feet of Bay surface area being lost. CDCR states that the fill is the minimum amount necessary for an adequately sized outfall and that no resources will be impacted. The applicant states that the fill for the proposed outfall structure is a water-oriented use with no alternative upland location since it is an outfall for draining stormwater and the site's natural drainage is toward the Bay, making it infeasible to direct drainage away from it. In addition, tidal resource impacts would be negligible. The Regional Water Quality Control Board granted the applicant a Water Quality Certification on December 14, 2005 for the storm water outfall.

The Commission should determine whether the project, as proposed, is consistent with the policies on fill in the Bay and if it has been designed to minimize harmful impacts as a result of fill placement.

3. **Appearance, Design and Scenic Views.** The Bay Plan Appearance, Design, and Scenic Views Policy 1, states, in part: "[t]o enhance the visual quality of development around the Bay and to take maximum advantage of the attractive setting it provides, the shores of the Bay should be developed in accordance with the Public Access Design Guidelines." The Bay Plan Appearance, Design, and Scenic Views Policy 2, states, in part: "...[m]aximum efforts should be made to provide, enhance, or preserve views of the Bay and shoreline, especially from public areas, from the Bay itself, and from the opposite shore." The Bay Plan Appearance, Design, and Scenic Views Policy 4, states, in part: "[s]tructures and facilities that do not take advantage of or visually complement the Bay should be located and designed so as not to impact visually on the Bay and shoreline. In particular, parking areas should be located away from the shoreline. However, some small parking areas for fishing access and Bay viewing maybe allowed in exposed locations." The Bay Plan Appearance, Design, and Scenic Views Policy 12, states, in part: "[i]n order to achieve a high level of design quality, the Commission's Design Review Board ...should review, evaluate, and advise the Commission on the proposed design of developments that affect the appearance of the Bay...."

Several of the proposed structures would be located in the Commission's jurisdiction; namely a guard tower, gun locker, paved road, security fence, and stormwater outfall. The project would alter views of the Bay from the Larkspur Ferry Terminal, Sir Francis Drake Boulevard, Paradise Drive, Highway 101, and the Richmond San Rafael Bridge.

Although, the proposed condemned inmate housing project and associated facilities would be located outside of the Commission's shoreline band jurisdiction, the applicant has worked with Commission staff to design the building configuration to maximize views to the Bay from public places and roads by altering the height and mass of the project to maximize viewsheds from Sir Francis Drake Boulevard. The applicant has altered the design of the buildings to visually complement views to and from the Bay since receiving comments on the Draft Environmental Impact Report and from the Commission's Design Review Board in April 2007.

The Commission should determine whether the project, as proposed, is consistent with the Bay Plan policies on appearance, design and scenic views of the Bay and if it has been designed to maximize views to and from the Bay.

B. Review Boards

1. **Engineering Criteria Review Board.** The Engineering Criteria Review Board did not evaluate the proposed project because no significant structures are located on Bay fill.
2. **Design Review Board.** On April 9, 2007, Design Review Board (DRB) reviewed the originally proposed public access Main Street viewing platform and sidewalk improvements to the south of the platform. During its review, the DRB asked for more details on the proposed public access areas, expressed concern on the limited scope of the proposal, and stated that the public access plan appeared to be "modest." The DRB supported the City of Larkspur's concern regarding the architectural quality and appearance and design of the proposed Prison buildings, stating that the Prison is a visual landmark. The Board requested that the applicant look into improving the shoreline at the project site by carefully designing the landscaping, lighting, fencing, and other shoreline improvements along the Prison edge. It also suggested that the applicant prepare a comprehensive shoreline plan that describes the proposed shoreline public access improvements from the CalTrans facility near the Richmond/ San Rafael Bridge to Sir Francis Drake Boulevard.

Since the DRB's initial project review in April 2007, the applicant changed the public access area. The Commission staff felt that the changes were not substantial and did not warrant a second review by the DRB.

In addition, the applicant responded to several of the DRB's earlier concerns. First, the applicant altered the exterior of the Prison buildings to better reflect the architectural details of the existing buildings on site. The applicant's Design Criteria Guidelines (Section 16500.200) require high-pressure sodium for exterior lighting, which is necessary for the safety of the staff and the public, but the height of the high mast lighting has been reduced from 100 feet to 60 feet, and glare shields have been incorporated.

Regarding the DRB's suggestion that the applicant prepare a plan to improve the shoreline in the general area of the project site, the applicant is constrained by a Section 10(a) federal incidental take permit, and related requirements, that were granted in 2002 for

its Habitat Conservation Plan (HCP). The HCP requires the applicant to make the environments adjacent to the electrified perimeter fences as unattractive to wildlife as possible. Further, the Statewide Electrified Fence Project handbook for Reducing Wildlife Use of Prison Perimeters, dated August 1996, stipulates that the area between the Prison's patrol road and outer electrical fence, and the first 100 feet of vacant state property outside of the patrol road, should be mostly free of non-native vegetation, including weedy species. Thus, the applicant cannot provide shoreline improvements along the Prison's edge.

Since the review by the DRB, the applicant has altered the public access area to include a sidewalk between the Caltrans facility near the Richmond San Rafael Bridge and the proposed parking and view platform, rather than a sidewalk south of the parking area towards the gate at San Quentin Prison. Since that time, a public access viewing overlook just north of the Richmond San Rafael Bridge has been completed, which would be connected to the proposed sidewalk improvements along Main Street in San Quentin Village.

C. **Environmental Review.** In May 2005, the Department of Corrections and Rehabilitation, acting as the lead agency under the California Environmental Quality Act, certified the Final Environmental Impact Report (EIR) for the project. A summary of the Final EIR is attached as Exhibit E.

D. **Relevant Portions of the McAteer-Petris Act**

1. Section 66602
2. Section 66605
3. Section 66632.4

E. **Relevant Portions of the San Francisco Bay Plan**

1. San Francisco Bay Plan Policies on Fill
2. San Francisco Bay Plan Policies on Public Access
3. San Francisco Bay Plan Policies on Appearance, Design and Scenic Views
4. San Francisco Bay Plan Maps

Exhibits

- A. **Regional Map, Exhibit A**
- B. **Vicinity Map, Exhibit B**
- C. **Site Map, Exhibit C**
- D. **Site Plan, Exhibit D**
- E. **Transportation Authority of Marin Bay Trail Gap Closure Proposal, Exhibit E**
- F. **County of Marin Bay Trail Gap Closure Proposal, Exhibit F**
- G. **Main Street Public Access Site Plan, Exhibit G**
- H. **Main Street Public Access Proposal, Exhibit H**
- I. **Summary of Final EIS/EIR, Exhibit I**